

PATENT  
Application Serial No. 09/448,124  
Attorney Docket No. JNP-0013

### REMARKS

Reconsideration and allowance in view of the forgoing amendments and the following remarks are respectfully requested.

In the non-final Office Action, the Examiner objected to Figure 1 because only that which is old is illustrated; rejected claims 7-23 under 35 U.S.C. 112, second paragraph, as being indefinite; rejected claims 1-5 and 24-26 under 35 U.S.C. 102(b) as being anticipated by Khacherian et al. (hereinafter "Khacherian") (U.S. Patent No. 5,768,257); and rejected claims 6, 7, 23, 27-29, 34 and 42 under 35 U.S.C. 103(a) as being unpatentable over Khacherian in view of Koning et al. (hereinafter "Koning") (U.S. Patent No. 6,125,112).

Applicants thank the Examiner for the Interview Summary of May 15, 2003, which indicates that Applicants' representative pointed out that the Office Action mailed April 15, 2003 should respond to the arguments filed on February 11, 2003 regarding the restriction requirement. The Examiner agreed to resend a new Office Action (the current Office Action) responding to the arguments. Applicants wish to point out that a Petition Under 37 CFR §1.144 to Withdraw the Restriction Requirement is being filed concurrently with this amendment.

Claims 3-6, 8-21, 23-24, 27-28, 30-33, 35, 42 and 44 are pending, claims 3-6, 8-14, 22-24, 27, 30, 32-33 and 35 having been amended, claims 1-2, 7, 25-26, 29 and 34 having been canceled without prejudice and claim 44 having been added. Applicants wish to point out that claims 9, 11 and 13 were amended to correct form.

Applicants wish to thank the Examiner for agreeing that claims 8-22, 30-33 and 35 contain allowable subject matter.

In paragraph 6 of the Office Action, the Examiner objected to Figure 1 for not including the

PATENT  
Application Serial No. 09/448,124  
Attorney Docket No. JNP-0013

legend --Prior Art-- because only that which is allegedly old is illustrated. Applicants are filing a replacement sheet for Figure 1 to add the legend --Prior Art-- and to add reference numerals. Therefore, applicants respectfully request that the objection to the drawings be withdrawn.

In paragraphs 7-8 of the Office Action, the Examiner rejected claims 7-23 under 35 U.S.C §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, claim 7 and claim 23 used the terms "i" and "k" and the Office Action considered these terms undefined. Claim 7 was canceled without prejudice; however, claims 8, 12, 14 and 22 were amended to include the contents of claims 1 and 7, but were further amended to eliminate reference to the terms "i" and "k". Further, claim 23 was similarly amended. Applicants submit that claims 8-23 are definite and respectfully request that the rejection be withdrawn.

In paragraphs 9-15 of the Office Action, the Examiner rejected claims 1-5 and 24-26 under 35 U.S.C §102(b) as allegedly being clearly anticipated by Khacherian. Applicants canceled claims 1-2 and 25-26 making the rejection of these claims moot. Applicants submit that the amendments to claims 3-5 and 24 obviate the rejection.

Claim 3 recites a switching device for transferring data packets, comprising one or more source line cards that include transmit logic to receive a request signal and a data cell which are unrelated to each other from a request generator and a data cell transmitter, respectively, and transmit the request signal and the data cell together in a data transfer unit to the switching fabric.

Khacherian discloses a data switching system. Column 4, lines 5-20 indicates that a source input port and a destination input port exchange handshaking signals used for data flow control. The handshaking signals may consist simply of a "Request" to release a discrete information unit

PATENT  
Application Serial No. 09/448,124  
Attorney Docket No. JNP-0013

directed from the source input port's input buffer control unit to the destination output port's output data flow control unit and a "Grant" to release a discrete information unit. The handshaking signals may be exchanged through the switched fabric or may be exchanged "out of band." Khacherian does not disclose that a source line card includes transmit logic to receive a request signal and a data signal, which are unrelated to each other from a request generator and a data cell transmitter, respectively, and transmitting the request signal to the data cell together in a data transfer unit to the switching fabric, as recited in claim 3.

Claim 4 recites a switching device for transferring data packets, comprising one or more source line cards that include transmit logic to receive a grant signal and a data cell which are unrelated to each other from a grant generator and a data cell transmitter, respectively, and transmit the grant signal and the data cell together in a data transfer unit to the switching fabric.

For at least the reasons discussed above, regarding claim 3, Khacherian does not disclose that a source line card includes transmit logic to receive a grant signal and a data cell which are unrelated to each other on each cell slot from a grant generator and a data cell transmitter, respectively, and transmitting the grant signal and the data cell together in a data transfer unit to the switching fabric, as recited in claim 4.

Claim 5 recites a system for transferring data packets, comprising one or more source line cards that include transmit logic to receive a request signal and a grant signal which are unrelated to each other from a request generator and a grant generator, respectively, and transmit the request signal and the grant signal together in a data transfer unit to the switching fabric.

For at least the reasons discussed above regarding claims 3 and 4, Khacherian does not disclose a source line card that includes transmit logic to receive a request signal and a grant signal

PATENT  
Application Serial No. 09/448,124  
Attorney Docket No. JNP-0013

which are unrelated to each other from the request generator and the grant generator, respectively, and transmitting the request signal and the grant signal together in a data transfer unit to the switching fabric, as recited in claim 5.

Claim 24 recites the previously discussed feature of claim 3, which is not disclosed in Khacherian.

For at least the reasons discussed above, applicants submit that claims 3-5 and 24 are not anticipated by Khacherian and respectively request that the rejection be withdrawn.

A proper rejection under Section 102 requires that each and every claim limitation be shown in the reference. Applicants note that the rejection of claims 3-5 is deficient because it fails to identify which portions of Khacherian read on claims 3-5. Applicants respectfully request that the Examiner withdraw the current rejection because of this deficiency and issue another Office Action that applies the reference to these claims.

In paragraphs 16-19 of the Office Action, the Examiner rejected claims 6, 7, 23, 27-29, 34 and 42 under 35 U.S.C. §103(a) as allegedly being unpatentable over Khacherian in view of Koning. Applicants canceled claims 7, 29 and 34 without prejudice rendering the rejections to these claims moot. Claim 23 was amended only to improve form, not to overcome the prior art rejection. Applicants traverse the rejection with respect to claims 6, 23, 27, 28 and 42.

Claim 6 recites a switching device comprising a switching fabric, wherein the switching fabric includes a plurality of planes, each plane being coupled to a source line card and a destination line card to receive and switch a request signal, grant signal and a data cell to an appropriate line card.

In paragraph 19 of the Office Action, the Examiner admits that Khacherian does not disclose

PATENT  
Application Serial No. 09/448,124  
Attorney Docket No. JNP-0013

that the switching fabric includes a plurality of planes. The Office Action relies on Koning to disclose this feature.

As stated in line 1 of the Abstract, Koning discloses a multistage ATM switch. In paragraph 19 of the Office Action, the Examiner pointed to Figure 8 of Koning and stated that the switching fabric 10 includes a plurality of planes 12, 2, 72. As stated in Koning, at page 6, lines 26 through 29, however, items 12, 22, 42 and 72 are various stages of a multistage switch and are not a plurality of planes.

Claim 23 recites a switching device having a plurality of line cards and a switch fabric therebetween for transferring data packets. The switch fabric comprises a plurality of second stage crossbars in a second stage, each of the second stage crossbars having a plurality of input ports and a plurality of output ports, and each input port having a second request spray engine to receive a request signal from one of a plurality of first stage crossbars and spray the request signal to one of a plurality of output ports in the same second stage cross bar, wherein the output ports of the first stage crossbars are connected to the input ports of the second stage crossbars.

The Office Action says nothing about Khacherian and Koning disclosing, teaching or suggesting the second stage crossbars having a second request spray engine, as recited in claim 23. Applicants submit that the combination of Khacherian and Koning does not disclose, teach or suggest such a feature.

Claim 27 recites a method for transferring data between line cards in device, the device having a plurality of line cards and a switching fabric coupled to the line card, where the switching fabric includes a plurality of planes. As mentioned above with regard to claim 6, neither Khacherian nor Koning discloses, teaches or suggests, separately or in combination, a switching fabric including

PATENT  
Application Serial No. 09/448,124  
Attorney Docket No. JNP-0013

a plurality of planes.

Claim 28 depends from claim 27 and is patentable over Koning and Khacherian for at least the reasons discussed above regarding claim 27.

Claim 42 recites a switching device for transferring data packets, comprising a plurality of switching planes coupled to source line cards and destination line cards, each switching plane being configured to receive and transmit a request, grant and data cell to the appropriate line cards. For reasons similar to those discussed above regarding claim 6, applicants submit that neither Khacherian nor Koning disclose, teach or suggest such a feature.

For at least the reasons discussed above, applicants submit that claims 6, 23, 27-28 and 42 are patentable over Khacherian and Koning and respectfully request that the rejection be withdrawn.

New claim 44 recites a line card in a switching device comprising transmit logic to receive a grant signal and a data cell which are unrelated to each other from a grant generator and a data cell transmitter, respectively, and transmit the grant signal and the data cell together in a data transfer unit to a switching fabric. As mentioned above, with regard to claim 4, Khacherian does not disclose such a feature. Applicants submit that this feature is also not disclosed, taught or suggested by Koning, either separately or in combination with Khacherian.

PATENT  
Application Serial No. 09/448,124  
Attorney Docket No. JNP-0013

Applicants submit that the application is now in condition for allowance, and notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

By: Richard C. Irving  
Richard C. Irving  
Reg. No. 38,499

Date: August 28, 2003

Harrity & Snyder, L.L.P.  
11240 Waples Mill Rd.  
Fairfax, VA 22030  
(571) 432-0800

FAX RECEIVED

AUG 29 2003

GROUP 2600

OFFICIAL